

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
CENTRAL DIVISION

Civil Action No. 04-40256-FDS

Robert J. Killion, Jr.  
Plaintiff,

v.

Mainship Corporation and  
Commonwealth Yachts  
Defendants.

**PLAINTIFF OPPOSITION TO THE DEFENDANTS MOTION TO DISMISS FOR  
LACK OF PERSONAL JURISDICTION**

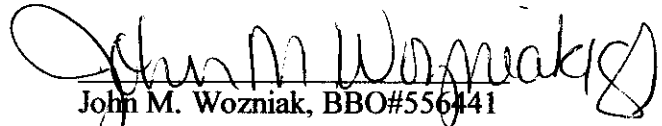
The plaintiff, Robert J. Killion, Jr (the "Plaintiff") hereby opposes the Defendant, Commonwealth Yachts, Inc.s (the "Defendant") Motion to Dismiss pursuant to Fed. R.Civ.P. 12(b)(6) for Lack of Personal Jurisdiction.

In support of this opposition, the Plaintiff states that sufficient contact exists pursuant to M.G.L. c. 233A §3 for an assertion of jurisdiction over the Defendant.

In further support of this opposition, the Plaintiff refers to and incorporates by reference those facts contained in the Plaintiffs Memorandum of Law in Support its Opposition to Defendants Motion to Dismiss and the Affidavit of Robert J. Killion, Jr.

WHEREFORE, the Plaintiff respectfully requests that the Defendants motion be dismissed and grant such other and further relief as is meet and just.

Respectfully Submitted,  
The Plaintiff,  
By His Attorney,

A handwritten signature in black ink, appearing to read "John M. Wozniak". The signature is fluid and cursive, with a large loop at the end.

John M. Wozniak, BBO#556441  
Wozniak & Padula, P.C.  
82 Cape Road  
Mendon, MA 01756  
(508) 478-3788

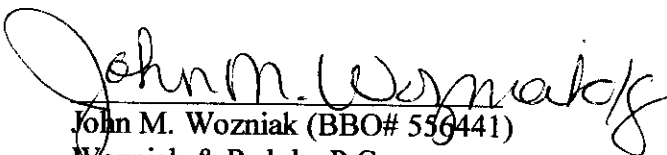
Dated: February 4, 2005

**CERTIFICATE OF SERVICE**

I, John M. Wozniak, hereby certify that a true and accurate copy of the forgoing Motion was served on the below-indicated parties via facsimile and regular mail, postage prepaid this 4<sup>th</sup> day of February, 2005.

Peter M. Durney, Esquire  
Cornell & Gollub  
75 Federal Street  
Boston, MA 02110

Robert S. White, Esquire  
Bourgeois Dresser & White  
4 Dix Street  
Worcester, MA 01609

A handwritten signature in black ink, reading "John M. Wozniak" with a stylized flourish at the end.

John M. Wozniak (BBO# 556441)  
Wozniak & Padula, P.C.  
82 Cape Road, Rte. 140  
Mendon, MA 01756  
(508) 478-3788